

Exhibit D

AIPLA

Report of the Economic Survey

2005

**PREPARED UNDER DIRECTION OF
LAW PRACTICE MANAGEMENT COMMITTEE**

American Intellectual Property Law Association

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REPORT OF THE ECONOMIC SURVEY 2005

**PREPARED UNDER DIRECTION OF THE
AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION
LAW PRACTICE MANAGEMENT COMMITTEE**

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Litigation-Patent Infringement \$1-\$25M End of Discovery (Q42c)

Total Cost		Litigation-Patent Infringement \$1-\$25M End of Discovery				
		Number of Individuals	Mean (Average)	First Quartile 25%	Median (Midpoint)	Third Quartile 75%
All Individuals		315	\$1,495,730	\$600,000	\$1,250,000	\$2,000,000
Type of Practice	1-5 Attorneys	32	\$728,125	\$312,500	\$500,000	\$975,000
	6-75 Attorneys	133	\$1,375,752	\$500,000	\$1,000,000	\$2,000,000
	76 or more Attorneys	66	\$1,908,333	\$1,200,000	\$2,000,000	\$2,500,000
	All Corporate	69	\$1,696,812	\$750,000	\$1,500,000	\$2,000,000
Location	Boston CMSA	17	\$1,545,588	\$875,000	\$1,500,000	\$2,000,000
	NYC CMSA	25	\$1,678,000	\$750,000	\$1,750,000	\$2,250,000
	Philadelphia CMSA	29	\$2,039,655	\$1,500,000	\$2,500,000	\$2,500,000
	Washington, DC CMSA	32	\$1,851,563	\$1,000,000	\$1,900,000	\$2,000,000
	Other East	16	\$1,243,750	\$525,000	\$775,000	\$1,800,000
	Metro Southeast	17	\$1,591,176	\$525,000	\$1,500,000	\$2,000,000
	Other Southeast	8	\$725,000	\$262,500	\$475,000	\$1,175,000
	Chicago CMSA	34	\$1,439,118	\$575,000	\$1,000,000	\$2,000,000
	Minne.-St. Paul PMSA	9	\$955,556	\$375,000	\$650,000	\$1,750,000
	Other Central	41	\$1,110,366	\$375,000	\$600,000	\$1,250,000
	Texas	23	\$1,420,652	\$600,000	\$1,200,000	\$2,000,000
	Los Angeles CMSA	18	\$1,016,667	\$575,000	\$1,000,000	\$1,312,500
	San Francisco CMSA	17	\$1,541,176	\$1,000,000	\$1,500,000	\$2,000,000
	Other West	27	\$1,790,741	\$750,000	\$1,500,000	\$2,500,000

Litigation-Patent Infringement \$1-\$25M Inclusive, all costs (Q42d)

Total Cost		Litigation-Patent Infringement \$1-\$25M Inclusive, all costs				
		Number of Individuals	Mean (Average)	First Quartile 25%	Median (Midpoint)	Third Quartile 75%
All Individuals		319	\$2,637,179	\$1,200,000	\$2,000,000	\$3,500,000
Type of Practice	1-5 Attorneys	33	\$1,446,364	\$625,000	\$1,000,000	\$1,500,000
	6-75 Attorneys	131	\$2,396,183	\$1,000,000	\$1,750,000	\$3,000,000
	76 or more Attorneys	67	\$3,549,254	\$2,000,000	\$3,200,000	\$4,000,000
	All Corporate	73	\$2,824,384	\$1,500,000	\$2,000,000	\$3,750,000
Location	Boston CMSA	18	\$2,638,889	\$1,437,500	\$2,500,000	\$4,000,000
	NYC CMSA	26	\$3,667,308	\$1,500,000	\$2,650,000	\$4,000,000
	Philadelphia CMSA	28	\$3,287,500	\$2,250,000	\$4,000,000	\$4,000,000
	Washington, DC CMSA	31	\$3,167,742	\$1,700,000	\$3,000,000	\$4,000,000
	Other East	16	\$2,468,750	\$1,150,000	\$2,000,000	\$3,000,000
	Metro Southeast	17	\$3,285,294	\$875,000	\$2,500,000	\$3,500,000
	Other Southeast	8	\$1,662,500	\$562,500	\$950,000	\$1,500,000
	Chicago CMSA	35	\$2,133,000	\$1,250,000	\$1,600,000	\$3,000,000
	Minne.-St. Paul PMSA	10	\$1,567,500	\$787,500	\$1,500,000	\$2,562,500
	Other Central	41	\$1,686,098	\$600,000	\$1,000,000	\$2,500,000
	Texas	23	\$2,847,826	\$1,000,000	\$2,500,000	\$3,500,000
	Los Angeles CMSA	20	\$3,015,000	\$1,212,500	\$1,500,000	\$1,937,500
	San Francisco CMSA	17	\$2,823,529	\$2,000,000	\$2,000,000	\$4,000,000
	Other West	27	\$2,279,630	\$1,500,000	\$2,000,000	\$3,500,000

Typical Costs of Litigation

Litigation-Patent Infringement >\$25M End of Discovery (Q42e)

Total Cost		Litigation-Patent Infringement >\$25M End of Discovery				
		Number of Individuals	Mean (Average)	First Quartile 25%	Median (Midpoint)	Third Quartile 75%
All Individuals		294	\$3,239,136	\$1,400,000	\$3,000,000	\$4,000,000
Type of Practice	1-5 Attorneys	25	\$2,127,000	\$500,000	\$2,000,000	\$2,750,000
	6-75 Attorneys	124	\$3,058,871	\$1,000,000	\$2,350,000	\$4,000,000
	76 or more Attorneys	58	\$3,888,793	\$3,000,000	\$3,000,000	\$3,125,000
	All Corporate	74	\$3,472,040	\$1,500,000	\$3,000,000	\$5,000,000
Location	Boston CMSA	14	\$2,528,571	\$1,375,000	\$2,500,000	\$3,000,000
	NYC CMSA	35	\$4,135,742	\$2,000,000	\$4,000,000	\$5,000,000
	Philadelphia CMSA	29	\$2,793,103	\$2,650,000	\$3,000,000	\$3,000,000
	Washington, DC CMSA	25	\$4,468,000	\$3,000,000	\$4,000,000	\$5,000,000
	Other East	13	\$1,680,769	\$775,000	\$1,200,000	\$2,050,000
	Metro Southeast	11	\$7,118,182	\$2,000,000	\$3,000,000	\$8,000,000
	Other Southeast	7	\$1,921,429	\$500,000	\$1,000,000	\$3,000,000
	Chicago CMSA	33	\$2,664,545	\$1,900,000	\$2,500,000	\$3,500,000
	Minne.-St. Paul PMSA	8	\$2,218,750	\$1,200,000	\$1,500,000	\$4,000,000
	Other Central	34	\$1,876,471	\$500,000	\$1,125,000	\$3,000,000
	Texas	24	\$2,917,708	\$1,075,000	\$2,750,000	\$4,000,000
	Los Angeles CMSA	16	\$2,121,875	\$1,000,000	\$1,875,000	\$3,000,000
	San Francisco CMSA	20	\$5,710,000	\$2,275,000	\$3,000,000	\$3,875,000
	Other West	23	\$3,247,826	\$2,000,000	\$3,000,000	\$3,000,000

Litigation-Patent Infringement >\$25M Inclusive, all costs (Q42f)

Total Cost		Litigation-Patent Infringement >\$25M Inclusive, all costs				
		Number of Individuals	Mean (Average)	First Quartile 25%	Median (Midpoint)	Third Quartile 75%
All Individuals		299	\$5,175,753	\$2,500,000	\$4,500,000	\$6,000,000
Type of Practice	1-5 Attorneys	26	\$3,548,077	\$937,500	\$2,750,000	\$5,000,000
	6-75 Attorneys	123	\$5,044,715	\$2,250,000	\$4,000,000	\$5,000,000
	76 or more Attorneys	60	\$5,640,833	\$4,000,000	\$5,000,000	\$5,375,000
	All Corporate	77	\$5,710,390	\$3,000,000	\$5,000,000	\$8,000,000
Location	Boston CMSA	14	\$4,107,143	\$2,875,000	\$3,750,000	\$5,250,000
	NYC CMSA	35	\$6,190,000	\$4,000,000	\$5,000,000	\$8,000,000
	Philadelphia CMSA	28	\$4,712,500	\$4,400,000	\$5,000,000	\$5,000,000
	Washington, DC CMSA	24	\$6,947,917	\$4,500,000	\$6,000,000	\$7,750,000
	Other East	13	\$3,076,923	\$2,000,000	\$3,000,000	\$3,250,000
	Metro Southeast	11	\$9,440,909	\$1,500,000	\$4,500,000	\$11,000,000
	Other Southeast	7	\$3,342,857	\$1,000,000	\$2,500,000	\$4,000,000
	Chicago CMSA	34	\$4,404,412	\$3,000,000	\$4,450,000	\$5,187,500
	Minne.-St. Paul PMSA	9	\$3,688,889	\$2,150,000	\$3,000,000	\$5,000,000
	Other Central	35	\$3,258,571	\$1,000,000	\$2,000,000	\$5,000,000
	Texas	24	\$4,993,750	\$2,200,000	\$4,900,000	\$6,750,000
	Los Angeles CMSA	18	\$4,866,667	\$2,075,000	\$3,000,000	\$5,000,000
	San Francisco CMSA	21	\$7,985,714	\$3,000,000	\$5,000,000	\$6,000,000
	Other West	24	\$5,283,333	\$2,750,000	\$5,000,000	\$5,750,000